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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,890	09/22/2003	Hajime Harashima	Q77475	4268
23373 7590 03/21/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER PEIKARI, BEHZAD	
			ART UNIT	PAPER NUMBER
			2189	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/664,890	Applicant(s) HARASHIMA	
	Examiner B. James Peikari	Art Unit 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/30/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because there are still numerous informalities and errors in idiomatic English throughout the specification. In accordance with the previous requirement for a substitute specification, the specification should have been thoroughly revised.

On page 1, for example, note:

- (A) "redundancy destruction"
- (B) "There is a disk array apparatus as a conventional data writing apparatus"
- (C) "an processor"
- (D) "in case of data writing"

These are some examples. Similar errors exist throughout the specification.

A proper substitute specification in correct idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities: there are two consecutive commas in claim 1, line 4. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4-5, 12-13 15-16 and 18-19 are rejected under 35 U.S.C. 103(a) as unpatentable over Kalman (US Patent 6,820,211).

(A) As per claim 1, Kalman discloses a data writing apparatus for writing data into storage means (Col 1, Lines 63-66), comprising:

~~an upper-rank~~ a processor unit (Fig 1, Ref 12);

a first storage means, where data to be written, wherein said first storage
has a redundancy structure [RAID provides parity bits and striping, giving a redundancy structure (Fig 1, Ref 23; Col 4, Lines 22-26)]; and

a control unit which writes data in said first storage means in response to a command from said ~~upper-rank~~ processor unit (Fig 1, Ref 22)

wherein the control unit and includes a second storage means,

~~second storage means~~ (Fig 2, Ref 108), and

a logical disk [RAID is a logical disk] writing/reading means for writing data
in said second storage means ~~data writing of which~~ when at an address in said first
~~storage means is instructed by said upper-rank~~ processor unit (Fig 3A, Ref 216, 218)

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and reporting completion of writing to said ~~upper-rank~~ processor unit [the wait of Kalman for the next data request (Fig 3A, Ref 208) after storing data from request on another storage medium (Fig 3A, Ref 218) is an indicator of completion], wherein the processor instructs the writing of data and the control unit writes the data in said second storage means when a redundancy destruction occurs in said first storage unit (Fig 3A, Ref 204), the data written to said second storage unit at said corresponding to an address of the redundancy destruction of said first storage means [The data is written to said second storage unit corresponding to an address of the redundancy destruction of said first storage means since the data must placed in such a way that it can be written back from the NVRAM into the storage medium so that the storage medium can come back online (Fig 3A, Ref 222)].

(B) As per claim 2, Kalman discloses the data writing apparatus according to claim 1, wherein said control unit (Col 3, Lines 57-61) further comprises a logical disk [RAID] monitoring means which verifies if said redundancy destruction at said corresponding address of said first storage means has been recovered (Fig 3A, Ref 220), and when said logical disk monitoring means verifies that said redundancy at said corresponding address of said first storage means has been recovered, said logical disk writing/reading means reads data written in said second storage means and writes said data at said corresponding address in said first storage means (Fig 3A, Ref 222).

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(C) As per claim 4, Kalman discloses the data writing apparatus according to claim 1, wherein said second storage means is a non-volatile storage means or a volatile storage means which has an independent power supply (Col 3, Lines 42-49).

(D) As per claim 5, Kalman discloses the data writing apparatus according to claim 1, wherein said second storage means retains data written in said second storage means, by said control unit until said data is written in said first storage means [In order to update the drive, data must be stored until it is written in first storage means (Fig 3A, Ref 222)].

(E) As per claim 11, Kalman discloses a data writing apparatus for writing data into storage means, comprising:

processor;

a first storage means, comprising redundancy structure wherein data and redundant data are written when instructed by a processor [RAID device, storing data and redundant data as parity bits (Fig 1, Ref 23), if data of a size equal to or smaller than a size of said redundant data is destroyed, said first storage means ensuring data by repairing said data from remaining data (Fig 3A, Ref 222);

a control unit which writes data in said first storage means in response to a command from said processor (Fig 1, Ref 22) and includes

a second storage means (Fig 2, Ref 108), and

a logical disk [RAID is a logical disk] writing/reading means for writing data in said second storage means when instructed by said processor unit processor unit (Fig 3A, Ref 216, 218) and reporting completion of writing to said processor unit [the wait of

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Kalman for the next data request (Fig 3A, Ref 208) after storing data from request on another storage medium (Fig 3A, Ref 218) is an indicator of completion], wherein the processor instructs the writing of data and the control unit writes the data in said second storage means when a redundancy destruction occurs in said first storage unit (Fig 3A, Ref 204), the data written to said second storage unit corresponding to an address of the redundancy destruction of said first storage means [The data is written to said second storage unit corresponding to an address of the redundancy destruction of said first storage means since the data must placed in such a way that it can be written back from the NVRAM into the storage medium so that the storage medium can come back online (Fig 3A, Ref 222)].

(F) As per claim 12, Kalman discloses a method for writing data into storage means where data to be written has a redundancy structure (Col 1, Line 63 – Col 2, Line 1), comprising the steps of:

A) when a redundancy destruction occurs at an address in a first storage means, wherein the first storage means has a redundancy structure [The redundancy structure is the parity bits provided by the RAID system (Fig 3A, Ref 204, 212)], writing data in said second storage means data as instructed by a processor, said data corresponding to an address of redundancy destruction in said first storage means [The data request given by the processor can not be written to the first storage means, thus it is forwarded to a second storage means as described, the address corresponds to an address in the first storage means since it must later be written into the first storage means (Fig 3A, Ref 216, 218 and 222)]; and

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B) reporting completion of writing data in said second storage means to said processor [the wait of Kalman for the next data request (Fig 3A, Ref 208) after storing data from request on another storage medium (Fig 3A, Ref 218) is an indicator of completion].

(G) As per claim 13, Kalman discloses the method according to claim 12, further comprising the steps of:

C) verifying if redundancy at said address of said redundancy destruction of said first storage means has been recovered (Fig 3a, Ref 220);

D) when recovery of said redundancy is verified, reading data written in said second storage means (Fig 3A, Ref 222); and

E) writing said data at said address in said first storage means (Fig 3A, Ref 222).

(H) As per claim 15, Kalman discloses a method for writing and reading data into and from storage means where data to be written has a redundancy structure (Col 1, Line 63 – Col 2, Line 1), comprising the steps of:

A) when a redundancy destruction occurs at an address in a first storage means, writing data in a second storage means as instructed by an processor(Fig 3a, Ref 216, 218);

B) reporting completion of writing said data in said second storage means to said processor [the wait of Kalman for the next data request (Fig 3A, Ref 208) after storing data from request on another storage medium (Fig 3A, Ref 218) is an indicator of completion];

C) reading data corresponding to a redundancy destruction in the first storage means as instructed by said processor. (Fig 3A, Ref 210, 212)

(I) As per claim 16, Kalman discloses the method according to claim 15, further comprising the steps of:

D) when recovery of said redundancy is verified, reading the data written in said second storage means and writing said data at said address in said first storage means (Fig 3A, Ref 222).

(J) As per claim 18, Kalman discloses a computer program capable of running on a computer so that the computer performs said steps of claim 12 [a computer program running on a computer is inherent in controlling a controller performing the steps of claim 12].

(K) As per claim 19, please see rejection of claim 1 above.

Regarding claims 1-2, 4-5, 12-13 15-16 and 18-19, Kalman teaches "reporting completion of writing" or "waiting" with respect to writing data in a first storage means (note column 6, lines 12-40, or column 5, lines 53-56), but fails to teach such "reporting completion of writing" or "waiting" in said second storage means, after a write by the logical disk writing/reading means or by the control unit. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate such "reporting completion of writing" for the second storage means in Kalman since (1) Kalman was already equipped to do so for the first storage means and (2) such "reporting completion of writing", especially for the purpose of causing other

transfers to wait was critical to data processing systems at the time of Kalman, to avoid multiple access requests that might cause bus interference and resulting errors; signals such as "busy" or "request to access" or "access complete" etc. were very common and widely used to prevent such errors, in asynchronous and even in some synchronous systems.

7. Claims 6-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalman, and in view of Kakuta (US Patent 5,600,783).

(A) As per claim 6, Kalman discloses a data writing/reading apparatus for writing data into storage means (Col 1, Lines 63-66), comprising:

a processor (Fig 1, Ref 12);

a first storage means which has a redundancy structure [Raid provides parity bits and striping, thus giving a redundancy structure (Fig 1, Ref 23, Col 4, Lines 22-26)]; and

a control unit which writes data in said first storage means in response to a command from said processor (Fig 1, Ref 22) and includes

a second storage means (Fig 2, Ref 108), and

a logical disk [RAID is a logical disk] writing/reading means for writing data in said second storage means when instructed by said processor unit (Fig 3A, Ref 216, 218) and reporting completion of writing to said processor unit [the wait of Kalman for the next data request (Fig 3A, Ref 208) after storing data from request on another storage medium (Fig 3A, Ref 218) is an indicator of completion], wherein the processor

instructs the writing of data and the control unit writes the data in said second storage means when a redundancy destruction occurs in said first storage unit (Fig 3A, Ref 204), the data written to said second storage unit corresponding to an address of the redundancy destruction of said first storage means [The data is written to said second storage unit corresponding to an address of the redundancy destruction of said first storage means since the data must be placed in such a way that it can be written back from the NVRAM into the storage medium so that the storage medium can come back online (Fig 3A, Ref 222)]. Kalman does not disclose reading the data from said second storage means when a command to read is received from said processor. Kakuta discloses reading the data from said second storage means when a command to read is received from said processor. (Col 11, Lines 17-20).

(B) As per claim 7, Kalman discloses the data writing apparatus according to claim 6, wherein said control unit (Col 3, Lines 57-61) further comprises a logical disk [RAID] monitoring means which verifies if said redundancy at said address has been recovered (Fig 3A, Ref 220), and

when said logical disk monitoring means verifies that said redundancy at said address has been recovered, said logical disk writing/reading means reads data written in said second storage means and writes said data at said address in said first storage means (Fig 3A, Ref 222).

(C) As per claim 9, Kalman discloses the data writing apparatus according to claim 6, wherein said second storage means is a non-volatile storage means or volatile storage means which has an independent power supply (Col 3, Lines 42-49).

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(D) As per claim 10, Kalman discloses the data writing apparatus according to claim 6, wherein said second storage means retains data, which was written in the second storage means by said control unit, until said data is subsequently read from the second storage means by said control unit. [In order to update the drive, data must be stored until it is written in first storage means (Fig 3A, Ref 222)].

Regarding claims 6-7 and 9-10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate reading data from the second storage device of Kakuta into the system of Kalman, since Kalman and Kakuta form the same field of endeavor, namely data requests in a faulty storage array and this would have allowed for faster access to newly written data (Col 11, Lines 20-21).

8. Claims 3, 8, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalman as applied to claims 1 6, 12 and 15 above, and further in view of applicant's description of prior art.

(A) As per claim 3, Kalman discloses the data writing apparatus according to claim 2. Kalman does not disclose the apparatus wherein said logical disk monitoring means comprises:

The applicant's specification disclosure of conventional data writing apparatus discloses the management table updating means which checks a status of said first storage means and updates a management table (Page 2, lines 4-8);

Further the applicant's disclosure of conventional data writing apparatus discloses a timer which informs said management table updating means of a lapse of a given time period (Page 2, lines 1-3); and

The applicant's specification disclosure of conventional data writing apparatus does not disclose write-enableness reporting means which reports recovery of said redundancy destruction at said corresponding address of said first storage means to said logical disk writing/reading means when said management table indicates said recovery of said redundancy destruction.

Kalman discloses write-enableness reporting means which reports recovery of said redundancy destruction at said corresponding address of said first storage means to said logical disk writing/reading means (Fig3A, Ref 220) when said management table indicates said recovery of said redundancy destruction [since applicant discloses management table checking status of first storage means, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the result of this check to decide when the recovery of redundancy destruction is complete].

(B) As per claim 8, please see rejection of claim 3 above. Claim 8 is rejected for similar reasons.

(C) As per claim 14, Kalman discloses the method according to claim 12, Kalman does not disclose the method further comprising the steps of:

checking a status of said first storage means when a given time elapses;
updating a management table;

Applicant's description of a conventional data writing apparatus discloses the steps of:

checking a status of said first storage means when a given time elapses

(Page 2, Lines 3-8);

updating a management table [it is obvious that the management table

updating means updates a management table];

Kalman further discloses the steps of:

reading data written in said second storage means when said management table indicates recovery of said redundancy [since applicant discloses management table checking status of first storage means, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the result of this check to decide when the recovery of redundancy destruction is complete (Col 4, Lines 47-52)]; and

writing said data at said address in said first storage means (Col 4, Lines 47-52).

(D) As per claim 17, please see rejection of claim 14 above. Claim 17 is rejected for similar reasons.

Regarding claims 3, 8, 14 and 17, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the management table updating means and timer of applicant's disclosure of prior art into the system of Kalman, since Kalman and applicant form the same field of endeavor, namely data accesses in disc array and applicant describes a conventional data writing

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apparatus, and the combination would have allowed a structure for consistent updates of management table.

Response to Arguments

3. Applicant's arguments filed on December 29, 2006 have been fully considered but they are not persuasive.

(A) The examiner wishes to note that the first rejection in the previous Office action was intended to be a rejection under 35 USC 103, being placed under that section heading, with the statutory basis stated and a discussion of obviousness. However, the actual statement of rejection was recited as a rejection under 35 USC 102, which was confusing.

(B) Regardless of the grounds of the previous rejection, this rejection has been modified as necessitated by the amendment filed on December 29, 2006 wherein reporting of the completion of a write to the second storage means was extended to include writes from the control unit.

Conclusion

4. Applicant's amendment necessitated the rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon, can be reached at (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. James Peikari', with a long horizontal flourish extending to the right.

B. James Peikari
Primary Examiner
Art Unit 2189
3/18/07